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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,772	10/15/1999	MICHAEL C. ALBERS	SUN1P223/P37	9304
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BEYER WEAVER & THOMAS LLP			LAO, LUN S	
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2643

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,772

Applicant(s)

ALBERS ET AL

Examiner

Lun-See Lao

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 22, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 and 25-26 are pending. This action is in response to the amendment filed 03-4-2004. Claims 1, 5, 12 and 18 have been amended. Claim 24 has been canceled and claims 25-26 have been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-11, 22, 25 and 26 are allowed.
4. Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al (U S Pat. 5,996,022).

As to claim 12, Krueger teaches a computer-implemented method of accessing, by a platform-independent audio computer service (client-server architecture, col. 3, lines 20-44), a platform dependent audio file (transcoded audio files conforming to client's hardware and software configuration) associated with an audio event (audio channel) from a first platform (client system 1, including hardware and software) (fig. 1, col. 3, lines 45-65), the method comprising:

receiving for a platform dependent audio function a request (user/client requests/accesses audio files, for output to its audio channel, col. 3, lines 46-65);

importing (transmit to client) a theme (audio files transcoded by one of the transcoding modes) corresponding to the platform dependent audio function including at

Art Unit: 2643

least one platform dependent audio file (transcoded audio files conforming to client's hardware and software capability) associated with the platform dependent audio function (col. 5, lines 29-34, 44-58; col. 6, lines 35-58); and

referencing the platform dependent audio field corresponding to the platform dependent audio function based on the imported theme (client plays downloaded transcoded audio files, col. 6, lines 15-17).

It is noted that the audio computer service of Krueger is platform-independent in that, regardless of the characteristics of the platform (combination of hardware, system software and player program) from which a user issues an audio event/function (directory, seek, read), a correct form of an audio file is returned to the user. See col. 4, line 16 - col. 5, line 64.

It is further noted that in Krueger the importing step is performed by the audio computer service (client-server architecture described in sections A and B of col.s 3-4) which is platform-independent as discussed in the preceding paragraph, and performed when the request is received (in response to user/client requests/accesses for audio files, for output to its audio channel, col. 3, lines 46-65; col. 4, lines 48-65)

While Krueger does not explicitly teach that the at least one platform dependent audio file is represented by / packaged into a corresponding field, this would have been an obvious choice for the purpose of efficient file management.

As to claim 13, Krueger teaches platform dependent audio file (transcoded audio files conforming to client's hardware and software configuration) (see discussion of claim 12).

5. Claims 14, 16, 17, 20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al as applied to claim 12 in view of Rose (U S Pat. 6,085,199).

As to claim 14, Krueger does not teach multiplexer.

Rose teaches audio computer service which uses a data structure to manage audio data, wherein a plurality of themes (audio files of various formats) associated with audio events (user selection of audio links) are packaged into a software object / multiplexer (dictionary of listed audio files). See col. 4, lines 45-65; col. 5, lines 17-22.

Given the teaching of Rose, it would have been obvious to package the plurality of themes associated audio events of Krueger into a software object / multiplexer for efficient locating/search of theme(s) / platform dependent audio file(s). In so doing, a more user friendly method of audio file selection would have been provided.

As to claim 16, note discussion of claim 12 for audio events, platform dependent audio fields, first platform and first theme / a theme. Note discussion of claim 14 for software object as taught by the combination of Krueger and Rose. It is noted that the first theme of Krueger relates the platform dependent audio fields to the first platform in that an appropriate transcoding / theme results in audio files/fields conforming to a particular client's hardware and software capability (Krueger, col. 5, lines 29-51; col. 6, lines 35-58).

As to claim 17, Krueger teaches second platform, a second theme because the system includes multiple clients (client 1, a client, a particular client) having respective

Art Unit: 2643

platforms (hardware and software configurations) and thus corresponding transcoded audio files, as discussed on claim 12. When the teachings of Krueger and Rose are combined, these themes would have been represented with a second set of platform dependent audio fields of the software object.

As to claim 20, Krueger as modified teaches the set of audio events is organized into categories (transcoded audio files produced by different transcoding modes, col. 6, lines 56-67).

As to claim 24, it is a program product claim of claim 16 and thus note claim 16 for discussion. Further, the audio computer service of Krueger as modified by Rose is a platform independent audio computer service in that a client, while having any of a variety of configurations of platform hardware and software, retrieves audio files from the server in a uniform fashion.

6. Claims 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claims 12, 16 and further in view of Peng (U S Pat. 6,128,011).

As to claim 15, Peng teaches adding a listener (ActionListener, WindowListener) to a component (application with GUI) which provides a GUI event. See col. 7, code listing, lines 17-24. Therefore, it would have been obvious to add a listener to the component of Krueger. A motivation to apply the teaching of Peng to Krueger as modified would have been to provide a GUI without having to redesign for each platform (Peng, col. 3, lines 17-21).

As to claim 18, Peng teaches supporting a single version of audio software program (Java GUI) on more than one types/themes of computer system platforms, including one of a Windows operating system (Windows 95, fig.s 4A, 5B, 6B) and a Motif operating system (Unix/Solaris/Motif, fig.s 4B, 5A, 6A), wherein each GUI has its own look and feel / characteristics, as shown in fig.s 4 and 5 in Peng. Therefore, it would have been obvious to support the audio service of Krueger as modified on a Windows operating system or a Motif operating system. Note discussion of claim 15 for a motivation to combine. MacIntosh operating system is another well known operating system with comprehensive multimedia support. Thus, it would have been obvious to include MacIntosh operating system into the platforms supported in Krueger as modified.

7. Claims 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al in view of Rose as applied to claim 16 and further in view of Chow et al (U S Pat. 6,226,693).

As to claims 19, 21, a hash file/table is a typical implementation of a directory/index data structure which converts a key/identifier, meaningful to a user, into the location of the corresponding data in a data collection. One such an example is shown by Chow to locate the event specific routine(s) corresponding to an event. (See fig. 6 and denoting text). Therefore, it would have been obvious to implement the software object / directory data structure of Krueger as modified with a hash file.

Response to Arguments

Art Unit: 2643

8. Applicant's arguments filed 03-4-2004 have been fully considered but they are not persuasive.

Applicant argued that transcoding files in Krueger is not equivalent to importing a theme (Remarks, page 8, 2nd paragraph).

The examiner's response is that the office action did not equate transcoding files in Krueger to importing a theme. Instead, the office action clearly mapped the importing of claim 12 to the process of transmitting to the requesting client, and theme as claimed primarily to the transcoded audio files, as evident in the discussion of claim 1

"As to claim 12, Krueger teaches a computer-implemented method of accessing, by a platform-independent audio computer service (client-server architecture, col. 3, lines 20-44), a platform dependent audio file (transcoded audio files conforming to client's hardware and software configuration) associated with an audio event (audio channel) from a first platform (client system 1, including hardware and software) (fig. 1, col. 3, lines 45-65), the method comprising:

receiving for a platform dependent audio function a request (user/client requests/accesses audio files, for output to its audio channel, col. 3, lines 46-65);

importing (transmit to client) a theme (audio files transcoded by one of the transcoding modes) corresponding to the platform dependent audio function including at least one platform dependent audio file (transcoded audio files conforming to client's hardware and software capability) associated with the platform dependent audio function (col. 5, lines 29-34, 44-58; col. 6, lines 35-58); and

referencing the platform dependent audio field corresponding to the platform dependent audio function based on the imported theme (client plays downloaded transcoded audio files, col. 6, lines 15-17).

It is noted that the audio computer service of Krueger is platform-independent in that, regardless of the characteristics of the platform (combination of hardware, system software and player program) from which a user issues an audio event/function (directory, seek, read), a correct form of an audio file is returned to the user. See col. 4, line 16 - col. 5, line 64.

It is further noted that in Krueger the importing step is performed by the audio computer service (client-server architecture described in sections A and B of col.s 3-4) which is platform-independent as discussed in the preceding paragraph, and performed when the request is received (in response to user/client requests/accesses for audio files, for output to its audio channel, col. 3, lines 46-65; col. 4, lines 48-65)

While Krueger does not explicitly teach that the at least one platform dependent audio file is represented by / packaged into a corresponding field, this would have been an obvious choice for the purpose of efficient file management."

Applicant further argued that as disclosed, 'importing a theme' refers to loading the appropriate theme for the new L&F and a 'theme' to a set of audio cues that map onto the audio events in the user interface (remarks, page 8, 3rd paragraph).

The examiner's response is that during examination, while claim limitations are interpreted in light of the specification, the specification is not read into the claims. The argued and disclosed features of "loading the appropriate theme for the new L&F" and

Art Unit: 2643

“a set of audio cues that map onto the audio events in the user interface” were not recited in the rejected claims. See, for example, claims 12 and 16. If applicant considers these features as defining over the prior art, these features should be clearly brought out by the claim language. Further, one of ordinary skill in the art would recognize that a theme is a version of software/application/environment which meets a particular configuration requirement. Themes are used in many software environments, including, but not limited to, user interfaces of audio applications. In Krueger, audio files produced by a particular transcoding mode meet/conform to a particular client’s configuration requirement (hardware and software capability), therefore, providing audio files for a particular theme / emulation of audio events of the particular client’s platform.

Applicant further argued that the audio computer service of Krueger is platform dependent because Krueger uses proxy server, whereas the present application is designed to run on any platform without modification. (remarks, page 8, 4th paragraph).

The examiner respectfully disagrees. First, although it might have been disclosed, the argued ‘running on any platform without modification’ is not claimed. See, for example, claims 12 and 16. Second, the argued proxy server is neither required, nor excluded, by the claim language. See, for example, claims 12 and 16. Third, to the contrary of applicant’s characterization, a proxy server is a representative/surrogate of the underlying server such that it provides services on behalf of the underlying server. Applicant has not provided evidence that by using a proxy server, services can only be provided to a particular platform. In fact, Krueger provides platform-independent audio computer services in that regardless of the characteristics of a requesting client’s

Art Unit: 2643

platform (combination of hardware, system software and player program) from which a user issues an audio event/function (directory, seek, read), a correct form of an audio file is returned/transmitted to the client/user. See col. 4, line 16 - col. 5, line 64.

Therefore, applicant's arguments are not persuasive, and Kureger meets importing a theme as claimed.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Engstrom et al (US PAT. 6,044,408) and Bond et al (US PAT. 6,026,238) are recited to cross-platform emulations.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2643

or faxed to: (703) 872-9306


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao, Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao, Lun-See
Patent Examiner
US Patent and Trademark Office
Crystal Park 2
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DUC NGUYEN
PRIMARY EXAMINER